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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/645,144 | 08/20/2003 | Bryan Richards | 20499.CIP | 7153 |

20551 7590 02/09/2005

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EXAMINER

JULES, FRANTZ F

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3617

DATE MAILED: 02/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/645,144

Applicant(s)

RICHARDS, BRYAN

Examiner

Frantz F. Jules

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-14 and 16-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 11/12/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claims 1, 3-14, 16-22 are objected to because of the following informalities:

In claim 1, line 16, the phrase "a selected rider access portal" should be changed to --a selected one of the rider access portals-- to improve the clarity of the claim language.

Similar correction should be made to claim 20, line 16

In claim 1, line 16, the phrase "a rider" should be replaced by --one of the riders-- to improve the clarity of the claim language.

In claim 7, lines 2-3, the phrase "at least one rider access portal" should be changed to --at least one of the rider access portals-- to improve the clarity of the claim language.

Similar correction should be made to claim 10, line 3.

In claim 7, line 4, the phrase "an autonomous vehicle" should be changed to --one of the autonomous vehicle-- to improve the clarity of the claim language.

In claim 14, line 12, the phrase "at least one selectively actuatable rider access portal" should be changed to --at least one of the selectively actuatable rider access portals-- to improve the clarity of the claim language.

In claim 20, line 18, the phrase "the autonomous vehicle" should be changed to --the directed autonomous vehicle-- to improve the clarity of the claim language. Similar change should be made to claim 20, line 20, line 24.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

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2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1, 3-13, 18-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, line 10, the phrase "a rider access portal" is confusing as it is unclear which particular one of the plurality of rider access portals recited above applicant is referring to. It is suggested that a rider access portal be substituted by the phrase --one of the rider access portals--.

In claim 3, line 3, the phrase "individual vehicles" is confusing as it is unclear how it relates to previously recited a plurality of autonomous vehicles in claim 1. Similar problem exists in line 4 with the recitation of vehicles.

In claim 6, line 3, the phrase "a vehicle" is confusing as it is unclear which particular one of the numerous vehicles recited above applicant is referring to.

In claim 18, line 4, the phrase "individual vehicles" is confusing as it is unclear how it relates to previously recited a plurality of autonomous vehicles in claim 14. Similar problem exists in line 4 with the recitation of vehicles.

In claim 19, line 2, the word "vehicles" is confusing as it is unclear how it relates to previously recited a plurality of autonomous vehicles recited above in claim 14 applicant is referring to.

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In claim 20, line 10, the phrase "a vehicle" is confusing as it is unclear how it relates to a plurality of autonomous vehicles recited above applicant is referring to. Similar problem exists with the recitation of "the autonomous vehicle" recited in claim 10.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 6-7, 10-14, 16, 19, 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park (US 6, 318,274) in view of Minovitch (3,954,064).

Park teaches all the limitations of claims 1, 4, 6-7, 10-14, 16, 19 and 22 except for a transit system comprising a plurality of selectively actuable rider access portals disposed in a side of the guideway. The general concept of providing a plurality of selectively actuable rider access portals disposed in a side of the guideway in a transit system is well known in the art as illustrated by Minovitch which discloses the teaching of a plurality of selectively actuable rider access portals disposed in a side of a guideway, see fig 3, col 14, lines 60-68. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Park to include the use of a plurality of selectively actuable rider access portals disposed in a side of the guideway of his advantageous transit system as taught by Minovitch in order to improve the safety of the riders by allowing entry into the tunnel only at the presence of a vehicle

Allowable Subject Matter

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6. Claims 3, 5, 8-9, 17-18, 20-21 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Response to Arguments

7. Applicant's arguments filed 12/15/20054 have been fully considered but they are moot in view of the new grounds of rejection.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantz F. Jules whose telephone number is (703) 308-8780. The examiner can normally be reached on Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph S. Morano can be reached on (703) 308-0230. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Frantz F. Jules
Primary Examiner
Art Unit 3617

FFJ

February 7, 2005

FRANTZ F. JULES
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Frantz', with a large, sweeping horizontal stroke underneath.